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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,929	07/24/2001	Herve Le Floch	1807.1619	3572
5514	7590	08/05/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			POPHAM, JEFFREY D	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 08/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,929	LE FLOCH, HERVE	
	Examiner	Art Unit	
	Jeffrey D. Popham	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Remarks

Claims 1-26 are pending.

Response to Arguments

1. Applicant's arguments filed 5/9/2005 have been fully considered but they are not fully persuasive.

As to the rejection of claims 1 and 8, applicant is arguing that there is no teaching in Moskowitz of determining a pseudo random function from a key which depends on an initial key and a length of the message. Moskowitz does disclose determining a pseudo random function from a key which depends on an initial key and a length of the message (Column 17, lines 9-31; and Column 18, line 30 to Column 19, line 32), however.

As to the rejection of claims 4 and 11, applicant is arguing that there is no teaching in Cox of extracting a length of the watermark. Cox does disclose extracting a length of the inserted message via breaking down the image into a set of subimages that are each of the same size (Column 9, line 61 to Column 10, line 3). The length of the inserted message is dependent upon, and determined by, the amount of subimages that are contained within the original image. However, a new grounds of rejection is made with Cox in view of Nakagawa (U.S. Patent 6,104,826) for these claims, as Nakagawa teaches that the watermark can vary in length on the same size image, and the length must be determined in order to extract the watermark.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 8, 10, 17-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent 5,915,027) in view of Moskowitz (U.S. Patent 5,889,868).

Regarding Claim 8,

Cox discloses a device for inserting a message into digital data representative of physical quantities, the message including ordered symbols, comprising:

Means for segmenting the data into regions (Column 4, line 66 to Column 5, line 1); and

Means for associating at least one region with each symbol to be inserted (Column 5, lines 1-9),

Wherein the means for associating includes:

Means for modulating the symbol in question by a previously determined pseudo-random function in order to supply a pseudo-random sequence (Column 4, lines 55-60), and

Means for adding the pseudoOrandom sequence to a region in question (Column 5, lines 1-9),

But does not disclose means for determining a pseudo-random function, for each region into which a symbol is to be inserted, from a key which depends on an initial key and on a length of the message.

Moskowitz, however, discloses means for determining a pseudo-random function, for each region into which a symbol is to be inserted, from a key which depends on an initial key and on a length of the message (Column 7, lines 29-39; Column 17, lines 9-31; and Column 18, line 30 to Column 19, line 32). It would have been obvious to one of ordinary skill in the art to incorporate the watermark optimization method of Moskowitz into the digital watermarking system of Cox in order to provide higher levels of protection of copyrights, ownership, etc. via tracking of who owns the digital data.

Regarding Claim 1,

Claim 1 is a method claim that corresponds to system claim 8 and is rejected for the same reasons.

Regarding Claim 17,

Claim 17 is an apparatus claim that corresponds to system claim 8 and is rejected for the same reasons.

Regarding Claim 18,

Claim 18 is an apparatus claim that corresponds to system claim 8 and is rejected for the same reasons.

Regarding Claim 19,

Claim 18 is a storage medium containing a computer-readable program claim that corresponds to system claim 8 and is rejected for the same reasons.

Regarding Claim 22,

Claim 22 is a storage medium containing a computer-readable program claim that corresponds to system claim 8 and is rejected for the same reasons.

Regarding Claim 10,

Cox discloses means for prior transformation of the digital data by a reversible transformation (Column 4, lines 55-60).

Regarding Claim 3,

Claim 3 is a method claim that corresponds to system claim 10 and is rejected for the same reasons.

3. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Moskowitz, further in view of Sandford (U.S. Patent 5,727,092).

Regarding Claim 9,

Moskowitz discloses that the key is dependent upon the length of the message and an initial key (Column 7, lines 29-39; Column 17, lines 9-

31; and Column 18, line 30 to Column 19, line 32), but does not disclose a number of times the symbol to be inserted has already been inserted into other regions and a ranking of the symbol among the ordered symbols.

Sandford, however, discloses a number of times the symbol to be inserted has already been inserted into other regions and a ranking of the symbol among the ordered symbols (Column 6, lines 53-65). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the sorting technique of Sandford into the digital watermarking system of Cox as modified by Moskowitz in order to minimize the amount of symbols that need to be inserted into the data.

Regarding Claim 2,

Claim 2 is a method claim that corresponds to system claim 9 and is rejected for the same reasons.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Moskowitz, further in view of Kunimoto (U.S. Patent 5,303,236)

Cox as modified by Moskowitz does not disclose the setup of the computer system running from the program from above.

Kunimoto, however, discloses a system comprising:
A microprocessor (Column 9, line 52);
A read-only memory including a program for processing the data (Column 9, lines 53-54); and

A random-access memory including registers suitable for recording variables modified during running of the program (Column 9, lines 54-55). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the computer system of Kunimoto into the digital watermarking system of Cox as modified by Moskowitz in order to use a widely known and available computer system for the program from above.

5. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Moskowitz, further in view of Mahe (U.S. Patent 6,459,685)

Regarding Claim 20,

Cox as modified by Moskowitz does not disclose the use of a detachably mountable storage medium.

Mahe, however, discloses the use of a detachably mountable storage medium that holds a computer-readable program that is mounted on a device for encoding data (Column 8, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the detachably mountable storage medium of Mahe into the digital watermarking system of Cox as modified by Moskowitz in order to obtain the properties of a detachably mountable storage medium, since the very nature of a detachably mountable storage medium, such as a CD-ROM, is that it is portable and easily switched for another.

Regarding Claim 21,

Mahe discloses that the detachably mountable storage medium is a floppy disk or a CD-ROM (Column 8, lines 1-6).

6. Claims 4-7, 11-14, 17, 18, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox (U.S. Patent 5,915,027) in view of Nakagawa (U.S. Patent 6,104,826).

Regarding Claim 11,

Cox discloses a device for extracting a message from digital data representative of physical quantities, the message including ordered symbols, comprising:

Means for segmenting the data into regions (Column 5, line 67 to Column 6, line 3);

Means for extracting a length of the inserted message (Column 9, line 21 to Column 10, line 3); and

Means for extracting the inserted message (Column 6, lines 6-14);

Nakagawa also discloses means for extracting a length of the inserted message (Column 13, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the watermark extraction procedure of Nakagawa into the digital watermarking system of Cox in order to prevent a third party from modifying the watermark and to keep the picture from deteriorating in quality (Column 3, lines 9-29).

Regarding Claim 4,

Claim 4 is a method claim that corresponds to system claim 11 and is rejected for the same reasons.

Regarding Claim 17,

Claim 17 is an apparatus claim that corresponds to system claim 11 and is rejected for the same reasons.

Regarding Claim 23,

Claim 23 is a storage medium containing a computer-readable program claim that corresponds to system claim 11 and is rejected for the same reasons.

Regarding Claim 26,

Claim 26 is a storage medium containing a computer-readable program claim that corresponds to system claim 11 and is rejected for the same reasons.

Regarding Claim 18,

Claim 18 is an apparatus claim that corresponds to system claim 11 and is rejected for the same reasons.

Regarding Claim 12,

Nakagawa discloses that the means for extracting the length of the inserted message includes:

Means for selecting a set of length values (Column 13, lines 10-24),

Means for calculating a correlation value between the message and the digital data, for each of the length values (Column 13, lines 10-24), and

Means for determining a local maximum from among the correlation values (Column 13, lines 10-24).

Regarding Claim 5,

Claim 5 is a method claim that corresponds to system claim 12 and is rejected for the same reasons.

Regarding Claim 13,

Nakagawa discloses that the means for extracting the length of the inserted message is configured to perform extraction while processing F times fewer coefficients than included in the digital data (Column 13, lines 10-24).

Regarding Claim 6,

Claim 6 is a method claim that corresponds to system claim 13 and is rejected for the same reasons.

Regarding Claim 14,

Nakagawa discloses:

Means for determining a total number of coefficients to be considered (Column 13, lines 35-44);

Means for selecting a maximum number of coefficients corresponding to a same inserted symbol (Column 13, lines 45-56); and

Means for reiterating processing of the means for selecting, for another symbol, if the total number of coefficients to be considered has not been reached (Column 13, line 57 to Column 14, line 4).

Regarding Claim 7,

Claim 7 is a method claim that corresponds to system claim 14 and is rejected for the same reasons.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Nakagawa, further in view of Kunimoto

Cox as modified by Nakagawa does not disclose the setup of the computer system running the program from above.

Kunimoto, however, discloses a system comprising:

A microprocessor (Column 9, line 52);

A read-only memory including a program for processing the data (Column 9, lines 53-54); and

A random-access memory including registers suitable for recording variables modified during running of the program (Column 9, lines 54-55). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the computer system of Kunimoto into the digital watermarking system of Cox in order to use a widely known and available computer system for the program from above.

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8. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cox in view of Nakagawa, further in view of Mahe.

Regarding Claim 24,

Cox does not disclose the use of a detachably mountable storage medium.

Mahe, however, discloses the use of a detachably mountable storage medium that holds a computer-readable program that is mounted on a device for encoding data (Column 8, lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the detachably mountable storage medium of Mahe into the digital watermarking system of Cox as modified by Moskowitz in order to obtain the properties of a detachably mountable storage medium, since the very nature of a detachably mountable storage medium, such as a CD-ROM, is that it is portable and easily switched for another.

Regarding Claim 25,

Mahe discloses that the detachably mountable storage medium is a floppy disk or a CD-ROM (Column 8, lines 1-6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER